

EXHIBIT A

**DECLARATION OF LINDA FOX,
PHARMACY DIRECTOR OF THE NEVADA
DEPARTMENT OF CORRECTIONS**

EXHIBIT A

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Minev, Green and Fox (NDOC Defendants)*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ZANE M. FLOYD,

Plaintiff,

v.

CHARLES DANIELS, DIRECTOR,
NEVADA DEPARTMENT OF
CORRECTIONS, ET AL.,

Defendants.

Case No. 3:21-cv-00176-RFB-CLB

**DECLARATION OF LINDA FOX,
PHARMACY DIRECTOR OF THE
NEVADA DEPARTMENT OF
CORRECTIONS**

I, Linda Fox, hereby declare based on personal knowledge and/or information and belief, that the following assertions are true.

1. I have been a registered pharmacist with the State of Nevada since 1990.
2. I have worked as a pharmacist for the Nevada Department of Corrections (NDOC) since 2004.
3. I currently am the Pharmacy Director for the NDOC, a position I have held since 2010. This position is also occasionally referred to Chief of Pharmacy or Pharmacy Director. I am responsible for the administrative and day-to-day functions of pharmaceutical services for the NDOC. This position requires me to do many things, including ensuring that medications are ordered, obtained, and properly stored and secured until they are utilized for their intended use.

1 4. Due to sensitive and confidential issues associated with lethal injection, my
2 job duties, under both former Director James Dzurenda and current Director Charles
3 Daniels, has included ordering and purchasing medications that, in the discretion of either
4 Director, would be appropriate for use in any legally scheduled and authorized execution.

5 5. As part of my duties as Pharmacy Director, I am tasked with ordering each of
6 the drugs using the Cardinal Health ordering portal, as this is the way NDOC ordinarily
7 purchases its medications.

8 6. In 2019, Former NDOC Director James Dzurenda asked me to purchase
9 potassium chloride, if it was available. I was able to do so through the Cardinal Health
10 order portal in the same manner the NDOC ordinarily purchases its medications. See
11 **Exhibit B**, Cardinal Health Invoice.

12 7. The potassium chloride I purchased pursuant to Director Dzurenda's
13 instruction is still in the possession of the NDOC and will expire on July 31, 2021.

14 8. In 2021, Director Daniels also authorized me to purchase, if available through
15 the NDOC's ordinary transactional efforts, an additional supply of potassium chloride.

16 9. However, potassium chloride was no longer an eligible product for the NDOC
17 to purchase on the Cardinal Health order portal.

18 10. While I take no position as to whether those drugs should be used in the
19 NDOC Protocol, as that is not my decision to make, I can attest that potassium chloride is
20 not readily available for purchase to the NDOC.

21 11. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the
22 foregoing is true and correct.

23 EXECUTED this 29th day of June, 2021.

24 /s/ Linda Fox*
25 Chief Linda Fox
26 Pharmacy Director,
Nevada Department of Corrections

27 * Pursuant to Temporary General Order 2020-05, entered by Chief Judge Du on March 30,
28 2020, <https://www.nvd.uscourts.gov/wp-content/uploads/2020/03/GO-2020-05-re-COVID-19-Remote-Hearings.pdf>, and as extended on March 29, 2021, <https://www.nvd.uscourts.gov/wp-content/uploads/2021/03/Order-Extending-GO-2020-05.pdf>, Chief

1 Fox has authorized counsel to affix her electronic signature to this Declaration. Should
2 counsel have misconstrued these Temporary Orders in any way, or if the Court wishes to
3 have a hand-signed copy of this Declaration, one will be provided to the Court upon request.
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